

Message Text

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ACTION EUR-25

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O 120955 Z MAY 73

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 8714

C O N F I D E N T I A L SECTION 1 OF 2 MOSCOW 5372

FOR: FBO, EUR/EX, EUR/SOV, SY/FO, SY/NSU; ALSO PASS INFO
TO CHIEF OF STAFF, AIRFORCE AF/INSD, DIA (AA-4, DS-6)

E. O. 11652: GDS

TAGS: ABLD, AFSP, ASEC, OGEN, PFOR, UR

SUBJ: REPAIRS TO CHANCERY FACADE

REF: STATE 088372; (B) STATE 090427

1. SUMMARY: I AM DEEPLY CONCERNED THAT COURSE OF ACTION
PROPOSED IN REFTELS WOULD FURTHER COMPROMISE EMBASSY'S NEGO-
TIATORY CREDIBILITY WITH SOVIET AUTHORITIES ON FACADE REPAIR
QUESTION, DESTROY WHATEVER SEMBLANCE OF GOOD FAITH USG MAY
STILL POSSESS IN NEGOTIATIONS WITH SOVIETS ON THIS QUESTION,
AND WITH THAT, WHATEVER POSSIBILITY MAY STILL REMAIN FOR THE
REPAIR OF THE FACADE IN THE FORSEEABLE FUTURE. I FEAR THAT
WASHINGTON AGENCIES HAVE SERIOUSLY UNDERESTIMATED PROBABLE
NEGATIVE SOVIET REACTION TO PROPOSED ACTION AND SERIOUSLY
OVERESTIMATED POSSIBILITY OF
UNILATERAL USG COMPLETION OF NECESSARY REPAIRS IN THE FACE
OF CERTAIN SOVIET OPPOSITION. I AM SERIOUSLY DISTURBED BY
CURRENT HIGH LEVE OF THREAT OF SERIOUS PHYSICAL INJURY TO
EMBASSY PERSONNEL AND INNOCENT THIRD PARTIES FROM FALLING
MASONRY AND FEEL THAT USG WOULD BE
UNABLE TO DISCLAIM FULL RESPONSIBILITY FOR INEVITABLE FURTHER
DETERIORATION OF FACADE AND PROBABLE CONSEQUENT ACCIDENTS AND
INJURIES IF EMBASSY TAKES ACTION PROPOSED IN REFTELS.
ON THE OTHER HAND, I FEEL THAT, THROUGH ADEQUATE SURVEILLANCE
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AND CONTROL OF ALL STAGES OF SCAFFOLDING ERECTION, INCLUDING
OUR PREPAREDNESS TO STOP ALL WORK AT ANY MOMENT, EMBASSY
COULD PROPERLY ACCOMPLISH REPAIRS UNDER ANY OF SEVERAL COOPERA-
TIVE PLANS APPROVED BY DEPT. PRIOR TO REFTELS WITHOUT UNDUE

RISK OF PHYSICAL PENETRATION OF BUILDING.

2. ACTION REQUESTED:

- A. THAT EMBASSY BE AUTHORIZED TO PRESS FOR AND AWAIT PROMISED FORMAL SOVIET REPLY TO USG POSITION PRESENTED TO UPDK DIRECTOR AT MAY 7 MEETING (MOSCOW 5135), AND TO PROCEED ON THAT BASIS IF SOVIET SIDE AGREES.
- B. THAT IF SOVIET SIDE ABSOLUTELY REJECTS SUCH A POSITION, FURTHER SERIOUS CONSIDERATION BE GIVEN BY WASHINGTON AGENCIES TO REAFFIRMATION OF DEPARTMENT' S JULY 1972 AGREEMENT WITH UPDK FIRST DEPUTY DIRECTOR VORONIN.
- C. THAT, IN EITHER OF ABOVE EVENTUALITIES, THE PROPER CONCERNS OF SECURITY BE SATISFIED THROUGH THE PROVISION OF WHATEVER LEVEL OF SURVEILLANCE MAY BE CONSIDERED NECESSARY, THROUGH PREPAREDNESS TO STOP WORK BY SOVIETS AT ANY POINT THAT THE SECURITY OF THE BUILDING MAY BE THREATENED, AND THROUGH PREPAREDNESS TO INSIST, WHEN SCAFFOLDING OR CONSTRUCTION HAS REACHED ANY GIVEN POINT, THAT SOVIET METHODS BE ALTERED,
- E. G. THAT SCAFFOLDING ABOVE SIXTH FLOOR NO LONGER BE ANCHORED IN MANNER DESCRIBED IN MOSCOW 5091.

3. MOST RECENT USG POSITION PRIOR TO REFTELS, INCLUDING CONCURRENCE IN SOVIET CONSTRUCTION OF ALL RPT ALL PORTIONS OF SCAFFOLDING , WAS CONVEYED TO UPDK AT HIGHEST UPDK LEVEL DURING MAY 7 MEETING REPORTED IN MOSCOW 5135. ALTHOUGH THIS POSITION HAS BEEN CLEARLY SET FORTH IN STATE 081472, EMBASSY NEVERTHELESS REFRAINED FROM PRESENTING POSITION TO SOVIETS UNTIL IT HAD AGAIN REQUESTED (MOSCOW 4921) AND RECEIVED (STATE 084267) SPECIFIC CONFIRMATION THAT USG POSITION INCLUDED SOVIET CONSTRUCTION OF ALL PORTIONS OF SCAFFOLDING. THIS WAS DONE SO THAT THERE WOULD BE NO POSSIBILITY OF ANY FURTHER MISUNDERSTANDING ON THIS CRUCIAL ISSUE, WHICH SOVIETS HAVE STATED IS ONE OF WORK SAFETY AND LEGAL RESPONSIBILITY IN THE EVENT OF SCAFFOLDING COLLAPSE. UPDK DIRECTOR SPECIFICALLY ASKED ON MAY 7 WHETHER SOVIETS WOULD DO REPAIR WORK ON ROOFS OF NORTH AND SOUTH WINGS, AND WAS TOLD, IN ACCORDANCE WITH PARA 4, STATE 077049 , THAT THEY WOULD.

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4. UPDK DIRECTOR IVANOV AND DEPUTY POVAREV AYRE BOTH HARSHLY CRITICAL OF INCONSISTENCY OF USG POSITION AT MAY 7 MEETING, AND WERE UNIMPRESSED BY ADMIN OFFICER' S PRESENTATION ALONG LINES OF PARA 5 , STATE 081472. NEVERTHELESS, THEY LISTENED TO NEW USG PROPOSAL WHICH THEY WERE ASSURED REPRESENTED FIRM POSITION BASED ON HONEST DESIRE TO REACH AGREEMENT BASED ON GOOD FAITH, COMPROMISE, AND HONEST APPRECIATION FOR EACH OTHER' S LEGITIMATE CONCERNS. IVANOV PROMISED A FORMAL REPLY TO THIS PROPOSAL, BUT GAVE NO INDICATION THAT IT WOULD BE POSITIVE.

5. I THINK THERE MAY BE FAIR POSSIBILITY OF SOVIET AGREEMENT TO THIS PROPOSAL, ALTHOUGH I WOULD HESITATE TO CALL THIS A GOOD POSSIBILITY. IF USG POSITION IS FURTHER ALTERED ALONG LINES

OF REFTEL (A), HOWEVER, PRECLUDING SOVIET CONSTRUCTION OF PROTION OF SCAFFOLDING OR REPAIR OF ROOFS OF WINGS, I DOUBT SERIOUSLY WHETHER THERE WOULD BE ANY POSSIBILITY OF SOVIET AGREEMENT OR EVEN SERIOUS FURTHER DIALOG WITH EMBASSY ON THIS SUBJECT FOR FORSEEABLE FUTURE. UPDK CLEARLY ANNOYED WITH PAST USG INCONSISTENCY . AMBASSADOR IVANOV MOREOVER INDICATED THAT MOSCOW CITY CONSTRUCTION ORGANIZATIONS, WITH WHICH HE MUST DEAL, WERE ALREADY EXTREMELY RELUCTANT TO DISCUSS THE ISSUE FURTHER WITH HIM.

6. MOSCOW 5091, WHICH REPORTED SOVIET SCAFFOLDING ERECTION TECHNIQUE ALONG BASE OF NORTH FACE OF NORTH WING, WAS NOT INTENDED AS RECOMMENDATION BY EMBASSY THAT USG POSITION SHOULD AGAIN BE CHANGED. MOREOVER, ASSUMPTION THAT THIS THECHNIQUE WOULD BE USED THROUGHOUT SCAFFOLDING CONSTRUCTION WAS A HASTY ONE. IT MAY WELL BE THAT SOVIETS WOULD THEMSELVES BE PREPARED TO SHIFT TO SOME OTHER MEANS OF ANCHORING OF UPPER PROTIONS OF SCAFFOLDING, WHICH WILL BEAR LESS WEIGHT THAN BASE PORTIONS. (IN THIS RECARD, EMBASSY WOULD BE INTERESTED IN KNOWING WHAT METHODS OF ANCHORING WASHINGTON AGENCIES ASSUME SOVIETS WOULD USE WHEN APPROVAL WAS GIVEN TO COMPLETE CONSTRUCTION OF SCAFFOLDING BY SOVIETS.) IF SOVIETS DO NOT THEMSELVES SHIFT TO A DIFFERENT SYSTEM OF ANCHORING, EMBASSY COULD STILL INSIST THAT THEY DO SO WHEN SCAFFOLDING REACHES SEVENTH FLOOR OF CENTRAL WING. EMBASSY COULD USE ARGUEMENTTHAT METHODS USED ON LOWER FLOORS WOULD REPRESENT VIOLATION OF UPPER FLOORS BY SOVIETS, WHICH BOTH SIDES HAD ALREADY AGREED WOULD NOT TAKE PLACE, AND INSIST THAT DIFFENENT ANCHORING TEHCNIQUE BE USED.
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SUCH AN ARGUMENT WOULD AT LEAST BE CONSISTENT WITH PREVIOUS NEGITIATIONS, AND WOULD HAVE SOME CHANCE OF ACCEPTANCE. MORE IMPORTANT, HOWEVER, THE SOVIETS WOULD, BY THAT TIME, HAVE ERECTED A CONSIDERABLE PORTION OF SCAFFOLDING AND THEREBY HAVE COMMITTED THEMSELVES TO REPAIR PROJECT TO A MUCH GREATER EXTENT THAN THEY HAVE THUS FAR DONE, AND WOULD, THEREFORE, PRESUMABLY BE LESS PREPARED TO CANCEL ENTIRE PROJECT. FINALLY, EVEN IF SOVIETS WOULD REFUSE AND CANCEL, USG

COULD MAINTAIN THAT IT HAD PROCEEDED IN GOOD FAITH AND THERE WOULD BE MUCH GREATER POSSIBILITY OF MAKING SOME USE OF EXISTING SCAFFOLDING AND MAINTAINING SOME GOOD- WILL WITH UPDK. IF WASHINGTON AGENCIES ARE WILLING TO ACCEPT THIS RECOMMENDATION, MOMENT OF TRUTH WILL PROBABLY COME WHEN SOVIETS BEGIN TO ERECT SCAFFOLDING FROM NORTH WING ROOF ALONG NORTH FACE OF CENTRAL WING.

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 8715

C O N F I D E N T I A L FINAL SECTION OF 2 MOSCOW 5372

7. I AM PARTICULARLY DISTURBED OVER PROBABILITY OF DESTROYING ALL CHANCES FOR FURTHER SOVIET COOPERATION, IF PROCEDURE OUTLINED IN REFTEL (AL) IS FOLLOWED, INASMUCH AS I AM BY NO MEANS CONVINCED THAT TACIT ASSUMPTION OF WASHINGTON AGENCIES -- THAT IT WILL BE POSSIBLE TO CARRY OUT ALL NECESSARY EMERGENCY REPAIRS WITH OUR OWN RESOURCES -- IS CORRECT. IN ABSENCE OF SOVIET COOPERATION, EXPECTATION CONTAINED PARA 3, REFTEL (B), THAT PROJECT COULD COMMENCE WITHOUT DELAY, IS COMPLETELY UNREALISTIC. EMERGENCY REPAIRS DURING THE SUMMER OF 1972 WERE CARRIED OUT WITH FULL SOVIET SUPPORT IN ACCORDANCE WITH AGREEMENT OF 7/10/72 WITH UPDK FIRST DEPUTY DIRECTOR VORONIN (STATE 125469) WHICH DEPT. HAS SINCE REPUDIATED. IT IS HIGHLY DOUBTFUL THAT EVEN SIMILAR EMERGENCY REPAIRS TO FRONT FACADE OF BUILDING COULD BE EFFECTED IF SOVIET SIDE REFUSES TO COOPERATE, BY WITHHOLDING SUPPLIES, OR DIRECTLY OPPOSES SUCH ACTION, BY OBSTRUCTING IMPORTATION OF MATERIALS OR WITHHOLDING VISAS FOR SEABEES AND MARINES. SINCE SOVIET POSITION HAS ALWAYS BEEN THAT CAPITAL REPAIRS TO BUILDING ARE SOLELY THE RESPONSIBILITY OF SOVIET SIDE UNDER LEASE AGREEMENT ON BUILDING, AND SINCE THEY MOREOVER CLAIM PARTICULAR RESPONSIBILITY FOR FACADES ALONG MAIN MOSCOW THOROUGHFARES SUCH AS CHAIKOVSKIY STREET, I AM CONFIDENT THAT THEY WOULD OPPOSE ANY EFFORT ON OUR PART TO EFFECT REPAIRS UNILATERALLY. ONLY THE EXTENT OF THEIR OPPOSITION IS OPEN TO QUESTION.

8. IN SPEAKING TO THESE ISSUES, I MUST ALSO CONVEY MY DISAPPOINTMENT OVER THE APPARENT TENDENCY, IN A NUMBER OF MESSAGES ON THIS URGENT QUESTION, TO DISCOUNT THE RECOMMENDATIONS OF EMBASSY PERSONNEL.

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SONNEL AND EVEN SPECIAL FBO CONSULTANTS WHO ARE INTIMATELY FAMILIAR WITH THE LOCAL SITUATION, AND TO ARRIVE AT DECISIONS WHICH ARE INCONSISTENT WITH THE REALITIES OF MOSCOW AND WITH THE PHYSICAL SAFETY OF EMBASSY PERSONNEL. I AM NOT CERTAIN THAT IT HAS BEEN REPORTED THAT, A FEW MONTHS AGO, A LARGE CHUNK OF MASONRY FELL OFF THE FACADE AND BROKE THE WINDSHIELD OF AN OFFICIAL SEDAN WHICH WAS ENTERING THE SOUTH ARCHWAY. FORTUNATELY, THE DRIVER ESCAPED SERIOUS INJURY. HAD THIS STONE STRUCK ONE OF THE HUNDREDS OF PEDESTRIANS WHO USE THIS ARCHWAY DAILY, HOWEVER, HE WOULD

VERY LIKELY HAVE BEEN KILLED.

9. I WOULD ALSO URGE THAT A DECISION ON THIS QUESTION BE COORDINATED WITH THE REGIONAL BUREAU WITH RESPECT TO THE EFFECT WHICH REPEATED CHANGES OF NEGOTIATORY POSITIONS IS LIKELY TO HAVE ON THE CREDIBILITY OF THE EMBASSY AND THE USG. AS THE BUREAU WELL KNOWS, BUT AS OTHER WASHINGTON AGENCIES MAY NOT, THE EMBASSY IS DEPENDENT ON UPDK NOT ONLY FOR SCAFFOLDING AND FACADE REPAIRS, BUT FOR LITERALLY EVERY GOOD OR SERVICE WHICH THE EMBASSY MUST OBTAIN FROM THE SOVIET ECONOMY. A CONFRONTATION BETWEEN THE EMBASSY AND UPDK, WHICH WOULD CLEARLY INVOLVE ILL- WILL AT THE TOP LEVEL OF UPDK, WOULD PROBABLY SPILL OVER INTO ALL AREAS OF EMBASSY OPERATIONS.

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